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Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

MAILED

JUL 11 2003

Office of the Director
Group 3600

In re application of
Pito Salas et al.

Application No. 09/916,528

Filed: July 27, 2001

For: METHOD AND APPARATUS FOR
CONTROLLING ACCESS TO A
PRODUCT

DECISION ON
REQUEST FOR WITHDRAWAL
OF ATTORNEY

This is a decision on the renewed request filed on February 27, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.


The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

A request filed May 13, 2003 to withdraw as attorney in the above-identified application is not approved because the request does not comply with condition A).

As to condition A), the attorney who signed the request is not of record. Therefore he cannot withdraw on behalf of all attorneys of record. Furthermore, the attorneys listed on the original Power of Attorney do not correspond with those listed on the request.



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3866

KJD/dxn: 7/8/03